IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33830 of 2007(B)

PETITIONER:

PERIYAR STEEL PVT. LTD. INDUSTRIAL DEVELOPMENT AREA, ERUMATHALA P.O., ALUVA-5 REPRESENTED BY ITS DIRECTOR, SANJAY KUMAR AGARWAL.

BY ADV. SRI.SANTHOSH G. PRABHU

RESPONDENT:

THE DISTRICT INDUSTRIES CENTRE, GANDHI NAGAR, KOCHI-20, REPRESENTED BY ITS GENERAL MANAGER.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 33830 OF 2007 B

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Dated this the 16th day of November, 2007

J U D G M E N T

99 cents of land was alloted in favour of the petitioner. However, on the allegation that a substantial portion of the said land was remaining unutilised, Ext.P1 order was issued on 5/11/2005 cancelling the allotment of 45 cents. Though Ext.P1 is of 5/11/2005, petitioner submits that he came to know of it only on 1/8/07 and hence Ext.P2 reply could be given only on 7/9/07, submits the counsel. Be that as it may, Ext.P3 show cause was issued subsequently, calling upon the petitioner to show cause why the entire plot of 99 cents should not be resumed by the respondent. Petitioner submitted Ext.P4 reply and considering the contentions therein, now Ext.P5 order has been issued giving the petitioner 6 months time to utilise 54 cents of land and requiring him to surrender the balance 45 cents. It is challenging Ext.P5, that this writ petition is filed by the petitioner.

2. Pleadings in the case shows that even according to the petitioner the entire land is not utilised as per the conditions of allotment, in which case the respondent is perfectly justified in

ordering its resumption. It is needless to state that in the event there is non utilisation of the land alloted, the allotee cannot be allowed to retain the same as it will defeat the purpose of allotment. In any case, petitioner is still given sufficient time to utilise the 54 cents also. For these reasons, I am satisfied that Ext.P5 is legally valid.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp